



UNITED STATES PATENT AND TRADEMARK OFFICE

28 JUL 2009

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

FLEIT GIBBONS GUTMAN BONGINI & BIANCO PL
21355 EAST DIXIE HIGHWAY
SUITE 115
MIAMI, FL 33180

In re Application of BASOL et al
U.S. Application No.: 10/596,938
PCT Application No.: PCT/IL2004/001191
Int. Filing Date: 30 December 2004
Priority Date Claimed: 02 January 2004
Attorney Docket No.: 7044-X06-007
For: A SYSTEM AND A METHOD FOR
AUTHORIZING PROCESSES
OPERATIONS ON INTERNET AND
INTRANET SERVERS

:
:
:
:
:
:
:
:
:
:
:
:

DECISION

This is in response to applicant's request for refund filed 05 June 2009, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 30 December 2004, applicant filed international application PCT/IL2004/001191, which claimed priority of an earlier United States application filed 02 January 2004. A copy of the international application was communicated to the USPTO from the International Bureau on 21 July 2005. The thirty-month period for paying the basic national fee in the United States expired on 02 July 2006.

On 29 June 2006, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US) via the EFS-Web electronic filing system of the USPTO ("EFS-Web"). The submission was assigned U.S. application number 10/596,938. On the same day, applicant filed a second set of national stage papers via EFS-Web. The second submission was assigned U.S. application number 10/596,940.

On 29 May 2009, the DO/EO/US mailed a Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903).

On 05 June 2009, applicant filed the present petition under 37 CFR 1.181.

DISCUSSION

In order to be eligible for a refund due to an unintended, duplicate filing via EFS-Web:

(1) The request for refund must be filed within three months of the first application receiving an acknowledgement by the Office (acknowledgement receipt, filing receipt, etc.);

(2) Petitioner must certify that any later-filed applications were submitted prior to receiving confirmation of receipt of the first-filed application; and

(3) The request for refund must include a statement by a registered practitioner or a person having first-hand knowledge that any duplicate application was intended to be the original application.

With regard to item (1), the present request for refund was not filed within three months of the acknowledgement receipt dated 29 June 2006.

With regard to item (2), the required certification has not been provided.

With regard to item (3), the required statement has not been provided.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

Because the submission of two sets of national stage papers for a single international application was improper, the Notice of Acceptance of Application under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 29 May 2009 is hereby VACATED.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.


Bryan Lin
PCT Legal Examiner
PCT Legal Office

Telephone: 571-272-3303
Facsimile: 571-273-0459